

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

THOMAS EDWARD ANDREWS and  
SCOTT W. CHRISTENSEN,

Defendant.

**FINAL CONSENT  
JUDGMENT AS TO  
DEFENDANT THOMAS  
EDWARD ANDREWS**

Case No. 2:17-cv-0256 DN

District Judge David Nuffer

The Securities and Exchange Commission (“Commission”) having filed a Complaint<sup>1</sup> and Defendant Thomas Edward Andrews (“Defendant”) having entered a general appearance, consented to the Court’s jurisdiction over Defendant and the subject matter of this action, consented to entry of this Final Consent Judgment, waived findings of fact and conclusions of law, and waived any right to appeal from this Final Consent Judgment: <sup>2</sup>

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”)<sup>3</sup> and Rule 10b-5<sup>4</sup> promulgated

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<sup>1</sup> Complaint, [docket no. 2](#), filed April 5, 2017.

<sup>2</sup> See Consent of Defendant Thomas Andrews at 1–3, [docket no. 3](#), filed April 5, 2017.

<sup>3</sup> 15 U.S.C. § 78j(b)

<sup>4</sup> 17 C.F.R. § 240.10b-5

thereunder, by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Final Consent Judgment by personal service or otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendant or with anyone described in (a).

## II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933 (the "Securities Act")<sup>5</sup> [] in the offer or sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly:

- (a) to employ any device, scheme, or artifice to defraud;

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<sup>5</sup> 15 U.S.C. § 77q(a)

- (b) to obtain money or property by means of any untrue statement of a material fact or any omission of a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or
- (c) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Final Consent Judgment by personal service or otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendant or with anyone described in (a).

### III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating Section 15(a) of the Exchange Act<sup>6</sup>, through use of the means or instruments of transportation or communication in interstate commerce or the mails, acting as a broker and/or effecting transactions in, and inducing or attempting to induce the purchase or sale of, securities (other than an exempted security or commercial paper, bankers' acceptances or commercial bills) without being registered with the Commission in accordance with Section 15(b) of the Exchange Act<sup>7</sup>

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<sup>6</sup> 15 U.S.C. § 78o(a)

<sup>7</sup> 15 U.S.C. § 78o(b).

IV.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$8,384,253, representing profits gained as a result of the conduct alleged in the Complaint. Payment of the disgorgement is deemed satisfied based on criminal restitution imposed in the related criminal matter, *United States v. Thomas Edward Andrews*.<sup>8</sup>.

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code,<sup>9</sup> the allegations in the complaint are true and admitted by Defendant, and further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant under this Final Consent Judgment or any other judgment, order, consent order, decree or settlement agreement entered in connection with this proceeding, is a debt for the violation of the federal securities laws or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code.<sup>10</sup>

VI.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Consent Judgment.

This Final Consent

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<sup>8</sup> USA v. Andrews, no. 2:16-cr-00211 (D. Utah).

<sup>9</sup> 11 U.S.C. §523

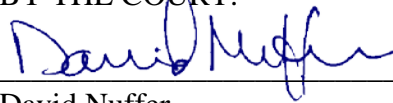
<sup>10</sup> 11 U.S.C. §523(a)(19)

VII.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Consent Judgment as to Defendant Thomas Edward Andrews. This Final Consent Judgment does not resolve claims against Defendant Scott Walter Christensen.

Signed January 29, 2018

BY THE COURT:



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David Nuffer  
United States District Judge